

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Francesca Chery	Team: Squad #14	CCRB Case #: 202105918	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/30/2021 6:15 PM	Location of Incident: Front of 17 Seabring Street	Precinct: 76	18 Mo. SOL 3/30/2023	EO SOL 3/30/2023	
Date/Time CV Reported Sun, 10/03/2021 5:35 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 10/03/2021 5:35 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Arony Youssef	13975	962181	076 PCT
2. PO Matthew Kasler	05781	960746	076 PCT
3. PO Vegnel Jovin	02695	960737	076 PCT
4. PO Moet Kelly	21474	962519	076 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Arony Youssef	Abuse: Police Officer Arony Youssef forcibly removed § 87(2)(b) to the hospital.	
B. PO Matthew Kasler	Abuse: Police Officer Matthew Kasler forcibly removed § 87(2)(b) to the hospital.	
C. PO Vegnel Jovin	Abuse: Police Officer Vegnel Jovin forcibly removed § 87(2)(b) to the hospital.	
D. PO Moet Kelly	Abuse: Police Officer Moet Kelly forcibly removed § 87(2)(b) to the hospital.	
E. PO Vegnel Jovin	Abuse: Police Officer Vegnel Jovin refused to provide his name to § 87(2)(b)	
F. PO Matthew Kasler	Abuse: Police Officer Matthew Kasler refused to provide his name to § 87(2)(b)	
G. PO Arony Youssef	Abuse: Police Officer Arony Youssef refused to provide his name to § 87(2)(b)	
H. PO Moet Kelly	Abuse: Police Officer Moet Kelly refused to provide his name to § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b) § 87(2)(g)		

### Case Summary

On October 3, 2021, § 87(2)(b) filed the following complaint via the CCRB's online website regarding an incident he witnessed involving an unknown individual, identified by the investigation as § 87(2)(b).

On September 30, 2021, at approximately 6:15 p.m., § 87(2)(b) walked his dog along the sidewalk near 17 Seabring Street in Brooklyn, when he observed Police Officer Arony Youssef, Police Officer Matthew Kasler, Police Officer Vegnel Jovin, and Police Officer Moet Kelly, all of the 76<sup>th</sup> Precinct, follow § 87(2)(b) down the sidewalk. The officers told § 87(2)(b) they were concerned about his health and placed him into handcuffs (**Allegations A-D: Abuse of Authority, § 87(2)(g)**). As PO Youssef, PO Kasler, PO Jovin, and PO Kelly led § 87(2)(b) towards a stretcher, § 87(2)(b) turned to PO Jovin and said, "What is your name? Can I get some paperwork too?" PO Jovin did not provide his name in response (**Allegation E: Abuse of Authority, § 87(2)(g)**). As EMS and PO Youssef, PO Kasler, PO Jovin, and PO Kelly helped § 87(2)(b) onto the stretcher, § 87(2)(b) said, "Fascinating. I want all your names" and the officers did not provide their name in response (**Allegations F-H: Abuse of Authority, § 87(2)(g)**). No arrests or summonses resulted from this incident.

§ 87(4-b) § 87(2)(g)

The investigation received body-worn camera footage (BWC) from PO Youssef, PO Kasler, PO Jovin, and PO Kelly, as well as cell phone video recorded by § 87(2)(b) the relevant aspects of footage discussed in further detail below.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Arony Youssef forcibly removed § 87(2)(b) to the hospital.**

**Allegation (B) Abuse of Authority: Police Officer Matthew Kasler forcibly removed § 87(2)(b) to the hospital.**

**Allegation (C) Abuse of Authority: Police Officer Vegnel Jovin forcibly removed § 87(2)(b) to the hospital.**

**Allegation (D) Abuse of Authority: Police Officer Moet Kelly forcibly removed § 87(2)(b) to the hospital.**

The investigation established the following facts:

On September 30, 2021, at approximately 6:00 p.m., PO Youssef, PO Kasler, PO Jovin, and PO Kelly responded to a 10-54E1 radio call regarding an EDP, § 87(2)(b) at the § 87(2)(b). Event Information § 87(2)(b) (BR 17) documented that a hotel worker called 911 and reported that § 87(2)(b) told people he wants to fight them and demons but was otherwise described as non-violent. Upon arrival, the officers encountered § 87(2)(b) in hotel lobby and asked him to step outside to talk. EMS also spoke with § 87(2)(b) and shortly after, asked him to come to the hospital to get evaluated. § 87(2)(b) refused and walked away, while making strange noises. PO Youssef, PO Kasler, PO Jovin, and PO Kelly followed § 87(2)(b) down the block and continued to encourage him to go to the hospital voluntarily. PO Youssef, PO Kasler, PO Jovin, and PO Kelly eventually intercepted § 87(2)(b) at the end of the block while PO Youssef and PO Jovin handcuffed him. PO Jovin, PO Kelly, and EMS rode with § 87(2)(b) to the hospital while PO Youssef and PO Kasler left the scene shortly after.

§ 87(2)(b)'s cell phone footage (BR 02) shows a group of officers, PO Youssef, PO Kasler, PO Jovin, and PO Kelly, surrounding § 87(2)(b). The officers' backs are facing the camera. PO Youssef, PO Kasler, and PO Jovin all assist in placing § 87(2)(b) in handcuffs while PO Kelly stands by. The officers tell § 87(2)(b) that they want to get him checked out because they are worried about his health and that he is not under arrest. A female EMS worker

enters the frame and they all escort § 87(2)(b) down the block (<<00:13-00:40>>).

The investigation received PO Kasler's body-worn camera (BR 21), which shows EMS speaking to § 87(2)(b) outside of the hotel and EMS encourages § 87(2)(b) to get on the nearby ambulance to go the hospital and get evaluated (<<03:10-4:20>>). Prior to this point of the footage, the officers on scene do not make any mention to § 87(2)(b) of going to the hospital.

§ 87(2)(b) testified (BR 01) that he was walking his dog along the sidewalk at Seabring Street when he noticed a black male, § 87(2)(b) being followed by a group of officers across the street and began recording on his cell phone. § 87(2)(b) saw the officers placing § 87(2)(b) in handcuffs. § 87(2)(b) heard the officers say they were concerned for § 87(2)(b)'s safety. § 87(2)(b) followed behind, about 10 feet away, as § 87(2)(b) was loaded onto the stretcher and placed in the back of an ambulance.

Though § 87(2)(b) did not know § 87(2)(b) and thus could not provide his name, the investigation obtained § 87(2)(b)'s name from the Event Information. However, § 87(2)(b) remained unavailable to the investigation (see IAs for contact attempts) and no statement was obtained from him.

PO Youssef, PO Kasler, PO Jovin and PO Kelly testified (BR 03, BR 04, BR 05, BR 06) that upon arrival, § 87(2)(b) exhibited signs that he was intoxicated due to the prominent smell of alcohol, he was clapping his hands, and stated that he wanted to fight the devil. After the officers stepped outside the lobby with § 87(2)(b) they were met with EMS who questioned § 87(2)(b) briefly and then asked him to go take a ride to the hospital and get evaluated. § 87(2)(b) refused to go voluntarily and resisted EMS and the officers' verbal encouragement to do so and walked away from them. PO Youssef, PO Kasler, PO Jovin and PO Kelly believed that § 87(2)(b) may be a danger to himself or others due to his intoxicated state, the fact that he was behaving strangely, and said that he wanted to fight the devil. In addition to § 87(2)(b)'s intoxicated state and behavior, EMS initially encouraged § 87(2)(b) to get evaluated. Due to the fact that § 87(2)(b) refused to get evaluated voluntarily, PO Kasler, PO Jovin, and PO Youssef all assisted in placing § 87(2)(b) in handcuffs, walked him back to the front of the hotel, and then helped him onto the stretcher so he could be loaded onto the ambulance to be evaluated at the hospital.

NYPD Patrol Guide Procedure 216-01, states that uniformed members of service shall cooperate with ambulance/hospital personnel in every reasonable manner (BR 07).

§ 87(2)(g)

#### **Allegation (E) Abuse of Authority: Police Officer Vegnel Jovin failed to provide his name to**

§ 87(2)(b)

PO Jovin's body-worn camera footage (BR 22) at the 06:55 mark shows PO Jovin walking closely beside § 87(2)(b) when § 87(2)(b) turns to him and says, "What is your name? Can I get some paperwork, too?" PO Jovin responded with, "Listen you're not under arrest. We're just transporting you to the hospital," and does not provide his name at any point during the incident following the request.

§ 87(2)(b) did not raise this allegation in his CCRB interview and as noted above, § 87(2)(b) remained unavailable to the investigation.

PO Jovin testified that he did not recall § 87(2)(b) asking for his name at any point during the incident nor did he refuse to provide his name. If PO Jovin heard § 87(2)(b) ask for his name, then he would have provided it. After viewing his BWC, PO Jovin testified that he did not hear § 87(2)(b) ask for his name during the incident because he was focused on § 87(2)(b)'s safety.

As per NYPD Patrol Guide Procedure 203-09, officers are required to courteously and clearly state their rank, name, shield number and command, or otherwise provide this information,

to anyone who requests they do so. Officers are required to allow the person ample time to note this information (BR 08).

§ 87(2)(g)

**Allegation (F) Abuse of Authority: Police Officer Matthew Kasler failed to provide his name to § 87(2)(b)**

**Allegation (G) Abuse of Authority: Police Officer Arony Youssef failed to provide his name to § 87(2)(b)**

**Allegation (H) Abuse of Authority: Police Officer Moet Kelly failed to provide her name to § 87(2)(b)**

PO Kasler's body-worn camera footage at the 09:00 mark to the 09:30 mark, shows the officers and EMS helping § 87(2)(b) onto the stretcher and § 87(2)(b) is heard saying "Fascinating, I want all your names," as PO Kasler, PO Kelly, and PO Youssef are within arm's length of § 87(2)(b). None of the officers on scene respond to § 87(2)(b)'s request.

PO Youssef's body-worn camera footage (BR 24) at the 08:15 mark to the 09:00 mark, and PO Kelly's body-worn camera footage (BR 23) at the 7:50 mark to the 8:30 mark, both show the same interaction where § 87(2)(b) says, "Fascinating, I want all your names," and § 87(2)(b) does not receive any response from any of the officers on scene. PO Kasler, PO Kelly, and PO Youssef do not provide this information any point during the interaction following § 87(2)(b)'s request.

§ 87(2)(b) did not raise these allegations in his CCRB interview and as noted above, § 87(2)(b) remained unavailable to the investigation.

PO Youssef, PO Kasler, and PO Kelly testified that they did not recall § 87(2)(b) asking for their names at any point during the incident nor did they refuse to provide their names. If PO Youssef, PO Kasler, and PO Kelly heard § 87(2)(b) ask for their names, then they would have provided it. PO Kasler, PO Youssef and PO Kelly testified that there was so much going on and that they were so focused on getting § 87(2)(b) safely and successfully strapped onto the stretcher that they did not hear his request. PO Kasler, PO Youssef, and PO Kelly did not provide their names at any point following the request.

As per NYPD Patrol Guide Procedure 203-09, officers are required to courteously and clearly state their rank, name, shield number, and command, or otherwise provide this information, to anyone who requests they do so. Officers are required to allow the person ample time to note this information (BR 08).

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

[illegible]

§ 87(4-b) § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) [REDACTED]  
[REDACTED]  
■ [REDACTED]  
[REDACTED]  
■ [REDACTED]  
[REDACTED]  
■ [REDACTED]  
[REDACTED]  
■ [REDACTED]  
[REDACTED]  
■ [REDACTED]  
[REDACTED]

- PO Kelly has been a member-of-service for five years and this is the first CCRB complaint to which she has been a subject.
- PO Youssef has been a member of service for five years and has been a subject in four CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g)
- PO Kasler has been a member of service for six years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- PO Jovin has been a member of service for six years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

### **Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- As of December 20, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this to complaint (BR 15).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 14

Investigator:	Francesca Chery Signature	Inv. Chery Print Title & Name	04/25/2022 Date
Squad Leader:	Cassandra Fenkel Signature	IM Cassandra Fenkel Print Title & Name	04/27/2022 Date
Reviewer:	Signature	Print Title & Name	Date